SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telework for U.S. Innovation Act''.

SEC. 2. TELEWORK TRAVEL EXPENSES PROGRAM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

(a) IN GENERAL.—Section 5711 of title 5, United States Code, is amended—

(1) in the section heading, by striking ''**test**'';

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''committee'' and inserting ''committees''; and

(ii) in subparagraph (B), by striking ''Government'';

(B) in paragraph (2)—

(i) by striking ''test''; and

(ii) by striking ''section , including the provision of reports in accordance with subsection (d)(1)'' and inserting ''subsection'';

(C) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''and maintain'' after ''develop''; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking ''test''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) The Director of the Patent and Trademark Office shall prepare and submit to the appropriate committees of Congress an annual report on the operation of the program under this subsection, which shall include—

''(i) the costs and benefits of the program; and

''(ii) an analysis of the effectiveness of the program, as determined under criteria developed by the Director.''; and

(3) in subsection (g), by striking ''this section'' and inserting ''subsection (b)''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5711 and inserting the following:

''5711. Authority for telework travel expenses programs.''.

STATE VETERANS HOMES DOMICILIARY CARE FLEXIBILITY ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 4460 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4460) to authorize the Secretary of Veterans Affairs to waive certain eligibility requirements for a veteran to receive per diem payments for domiciliary care at a State home, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4460) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Veterans Homes Domiciliary Care Flexibility Act''.

SEC. 2. WAIVER OF REQUIREMENTS OF DEPARTMENT OF VETERANS AFFAIRS FOR RECEIPT OF PER DIEM PAYMENTS FOR DOMICILIARY CARE AT STATE HOMES AND MODIFICATION OF ELIGIBILITY FOR SUCH PAYMENTS.

(a) WAIVER OF REQUIREMENTS.—Notwithstanding section 1741 of title 38, United States Code (as amended by subsection (b)), the Secretary of Veterans Affairs shall modify section 51.51(b) of title 38, Code of Federal Regulations (or successor regulations), to provide the Secretary the authority to waive the requirements under such section 51.51(b) for a veteran to be eligible for per diem payments for domiciliary care at a State home if—

(1) the veteran has met not fewer than four of the requirements set forth in such section; or

(2) such waiver would be in the best interest of the veteran.

(b) MODIFICATION OF ELIGIBILITY.—Section 1741(a)(1) of title 38, United States Code, is amended, in the flush text following subparagraph (B), by striking ''in a Department facility'' and inserting ''under the laws administered by the Secretary''.

(c) STATE HOME DEFINED.—In this section, the term ''State home'' has the meaning given that term in section 101(19) of title 38, United States Code.

SAFEGUARDING THERAPEUTICS ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 5663 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5663) to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the Alexander amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2694) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safeguarding Therapeutics Act''.

SEC. 2. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting ''or counterfeit device'' after ''counterfeit drug''; and

(2) by striking ''The Secretary of the Treasury shall cause the destruction of'' and all that follows through ''liable for costs pursuant to subsection (c).'' and inserting the following: ''The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).''.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking ''(h) The term'' and inserting ''(h)(1) The term''; and

(B) by adding at the end the following:

''(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark or imprint, or any likeness thereof, or is manufactured using a design, of a device manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, processor, packer, or distributor.''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 5663), as amended, was passed.